

REMARKS

Summary of Amendments to the Claims

1. Claims 1-2, 4-5, 7-10, 19-21 and 26-27 have been amended to provide proper Markush terminology.
2. Claim 13 has been amended to provide proper antecedent basis for the phrases “the aqueous solution of step (b)” and “the aqueous solution of step (c).”
3. Claim 27 has also been amended to more clearly specify the components of the article.

Response to Items in “Detailed Action”

The numbering of the following sections matches the numbering of the corresponding sections of the pending Office Action.

Allowable Subject Matter

5. The Examiner has stated that Claims 1-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action.

Applicants thank the Examiner for this guidance. Applicants have amended the claims to address rejections under 35 U.S.C. 112, second paragraph, for indefiniteness. The amendments place these claims in condition for allowance.

Claim Rejections – 35 USC §112

4. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicants have amended Claims 1, 4-5, 7-10, 19-21 and 26-27 to provide proper Markush form (“selected from the group consisting of...”).

Applicants have amended Claim 2 to provide proper dependency and form.

Applicants have amended Claim 13 to provide proper antecedent basis for the phrases “the aqueous solution of step (b)” and “the aqueous solution of step (c).”

Applicants have amended Claim 27 to specify the components of the claimed article.

The Examiner stated that in Claim 9 the phrase “the modified natural polymers” lacks proper antecedent basis.

Applicants believe that such a basis does exist in Claim 5 and in the specification at page 5, lines 2 through 5, and have so indicated by italics in the claims, below:

“Claim 5. (Currently amended): The wood preservative composition of Claim 2, wherein the cyanoethylated compound is obtained from the cyanoethylation of materials selected from the group consisting of:

- a. alcohols, carbohydrates, dextran, dextrin, gums, starches, *modified natural polymers*; and
- b. compounds derived from natural polymers.”

Claim 9. (Currently amended): *The wood preservative composition of Claim 5, wherein the modified natural polymers are selected from the group consisting of regenerated cellulose, cellulose xanthate, dimethylthiourethane of cellulose, ethyl cellulose, ethylthiourethane of cellulose, hydroxyethylcellulose, methylcellulose, and phenylthiourethane of cellulose.*

All matters raised under this rejection having been addressed, Applicants respectfully request reconsideration of Claims 1-27 and their prompt allowance.

2. Claim 27 is rejected under U.S.C 112, first paragraph, on the grounds that the specification, while being enabling for the formation of an article containing a copper complex wood preservative comprising a copper compound, chelating agent, and solubilizing agent, does not reasonably provide enablement for an article just comprising a copper compound and a chelating agent.

Applicants have amended Claim 27 as described above in section 4 to overcome a rejection for indefiniteness.

Applicants traverse the rejection for lack of enablement of the claimed subject matter. Applicants direct the Examiner's attention to the first paragraph of the "Detailed Description of the Invention," p 2, lines 30-38:

"Applicants have discovered that copper complexes of chelating compounds with two or more appropriate functional groups can be prepared and rendered soluble in aqueous solution by the addition of ammonia, ethanolamine, or pyridine. These solubilized copper complexes can subsequently be imbibed into wood. Upon loss or evaporation of ammonia, ethanolamine, or pyridine, these copper complexes become insoluble, thereby fixing the copper ions within the wood. Upon evaporation of the ammonia, ethanolamine, or pyridine, the copper complexes of this invention bind tenaciously to cellulose."

Applicants believe that this description, together with the examples and the other written description of the specification, is enabling for the claimed subject matter. The specification teaches one of skill in the art: (1) how to solubilize copper complexes using ammonia, ethanolamine or pyridine; (2) how to imbibe the copper solutions into wood (or other appropriate cellulosic article); and (3) how to remove the solubilizing agent (*i.e.*, the ammonia, ethanolamine or pyridine), for example by evaporation, to provide an article that comprises:

- a) wood, lumber, plywood, oriented strandboard, paper, cellulose, cotton, lignin, or hemicellulose;
- b) copper; and

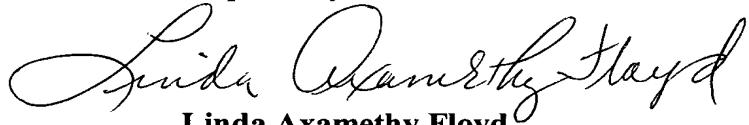
Application No.: 10/699,329
Docket No.: CL1960USNA

c) at least one chelating compound, wherein the chelating compound comprises at least two functional groups selected from a group consisting of amidoxime, hydroxamic acid, thiohydroxamic acid, N-hydroxyurea, N-hydroxycarbamate, and N-nitroso-alkyl-hydroxylamine.

In light of the amendment and remarks, Applicants respectfully request reconsideration of Claim 27, withdrawal of the rejection, and prompt allowance.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,


Linda Axamethy Floyd
PATENT ATTORNEY FOR
APPLICANTS
Registration No.: 33.692
Telephone: (302) 892-8112
Facsimile: (302) 892-1026

Dated: December 3, 2004